

REMARKS

Claims 1-9 and 18-30 are currently pending in this application. Claims 10-17 have been canceled. Claims 1, 9, 18 and 24 have been amended. No new matter has been added by these amendments. Applicants have carefully reviewed the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claim Objections

Claim 21 was objected to for reciting an element lacking antecedent basis. Claim 18 has been amended as suggested in the Office Action to provide antecedent basis for claim 21.

Claim Rejections Under 35 U.S.C. §102/103

Claims 1, 4, 6 and 8-10 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,984,014 (Valikai).

Independent claim 1 has been amended to recite subject matter similar to objected claim 11, more specifically, a first lead system adapted for carrying the first and second electrodes in the high basal region of the right ventricle at generally opposite sides of the right ventricle. In view of this, claim 1 is believed to be in condition for allowance. Likewise, dependent claims 4, 6 and 8 are also believed to be in condition for allowance as dependent upon claim 1. Furthermore, claim 1 is generic, therefore Applicants request consideration of withdrawn claims 3 and 5.

Independent claim 9 has been amended to include the subject matter of claim 10 (now canceled) and objected claim 11 (now canceled) and is believed to be in condition for allowance.

Claim 7 was rejected under 35 U.S.C. §103 as being unpatentable over Valikai in view of U.S. Patent No. 5,107,834 (Ideker). In view of the amendment of independent claim 1, Applicants believe that the rejections under §103 is moot as dependent claim 7 depends from allowable independent claim 1.

Claims 18 and 21 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,998,975 (Cohen).

Independent claim 18 has been amended to recite an implantable cardiac stimulation system having a pair of spaced apart electrodes disposed in the high basal region of the right ventricle on generally opposite sides of the right ventricle. Cohen does not disclose electrodes positioned as recited in claim 18. In view of this, Applicants submit that Cohen does not teach or suggest the combination of elements and features recited in independent claim 18. Accordingly, Applicants requests reconsideration of the §103 rejections of claim 18 and dependent claim 21.

Allowable Subject Matter

Claims 2, 11, 19 and 20 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Regarding claims 19 and 20, Applicants request clarification from the Examiner, as these claims were also indicated as being withdrawn for not belonging to the elected species.

Regarding claim 2, in view of the amendment of claim 1 and the remarks presented above with respect to claim 1, Applicants believes claim 2 is allowable, without amendment, as depending from an allowable base claim. Applicants, however, reserve the right to amend claim 2 at a later time.

Regarding claim 11 (now canceled), independent claim 9 has been amended to include the features of claim 11 and intervening claim 10 (now canceled).

Claims 23, 24, 26, 27, 29 and 30 were allowed. Claim 24 has been amended to provide antecedent basis for the third electrode recited therein. Claim 23 is generic, therefore Applicants request consideration of previously withdrawn claims 25 and 28.

CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, allowance of Applicants' claims 1-9 and 18-30 is believed to be in order.

Respectfully submitted,

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Date

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